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Attorneys for Plaintiffs
 PARKRIDGE LIMITED AND MABEL MAK

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

PARKRIDGE LIMITED, a Hong Kong
 corporation, by Mabel Mak, and MABEL MAK,
 an individual,

Plaintiffs,

v.

INDYZEN, INC., a California
 corporation, and PRAVEEN NARRA
 KUMAR, an individual,

Defendants.

INDYZEN, INC., a California corporation,

Counter-Plaintiffs,

v.

PARKRIDGE LIMITED, a Hong Kong
 corporation and RANDY DOBSON, an
 individual,

Counter-Defendants.

Case No. 4:16-cv-07387-JSW
 GRANTING

**~~PROPOSED~~ ORDER TO COUNTER-
 DEFENDANT PARKRIDGE LIMITED'S
 MOTION TO DISMISS COUNT 3 OF
 COUNTERCLAIMS RE: FRAUD**

AND GRANTING RANDY DOBSON'S MOTION
 TO DISMISS BOTH WITH LEAVE TO AMEND
 (Dkt. Nos. 135, 136)

Hon. Jeffrey S. White

Date: July 31, 2020

Time: 9:00 a.m.

Dept.: Courtroom 5, 2nd Floor

Complaint Filed: December 29, 2016


Case No. 4:16-cv-07387-JSW

**~~PROPOSED~~ ORDER TO COUNTER-DEFENDANT PARKRIDGE LIMITED'S MOTION TO
 DISMISS COUNT 3 OF COUNTERCLAIMS RE: FRAUD**

1 **IT IS HEREBY ORDERED THAT** Counter-Defendant Parkridge Limited's Motion to
 2 Dismiss Count 3 of Counterclaims ~~is granted.~~ and Counter-Defendant Randy Dobson's
 3 Motion to Dismiss Count 3 are GRANTED with leave to amend. (See below.)

4
 5 **IT IS SO ORDERED.**

6
 7 DATED: August 31, 2020

8 
 9 Hon. Jeffrey S. White
 10 United States ~~Magistrate~~ Judge

11 Defendant and counter-claimant Indyzen, Inc. may file an amended
 12 counterclaim for fraud by no later than September 14, 2020 to allege
 13 sufficient facts for the Court to adjudicate whether any fraud claim may
 14 proceed.

15 Any amended counterclaim must conform with Federal Rule of Civil
 16 Procedure 11(b) and be consistent with former representations to the
 17 Court; must demonstrate that the fraud alleged concerns only the
 18 payments at issue and therefore may fall outside the scope of the
 19 arbitration; and must conform with Federal Rule of Civil Procedure 9(b)
 20 and state with particularity any and all facts supporting the
 21 contentions of justifiable reliance and harm.

22 In addition, any amended counterclaim for fraud as against counter-
 23 defendant Randy Dobson must set forth specific facts indicating how the
 24 Court may exercise personal jurisdiction over Dobson in his individual
 25 capacity taking into account the findings made in arbitration. Indyzen,
 26 Inc. must also set forth specific facts regarding its efforts at service,
 27 past or future.

28 Should Indyzen, Inc. elect to file an amended counterclaim for fraud and
 the Court determine that it fails to comply with this order, the Court
 shall consider levying sanctions in addition to dismissal without leave
 to amend.